IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31810 of 2007(J)

PETITIONER:

P.RAMACHANDRA MENON
S/O. LATE PADMANABHAN NAIR, AGED 46 YEARS
THARAKALAM, VADAVANNUR
PALAKKAD 678 504

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT
SECRETARIAT,TRIVANDRUM

2. THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, TRIVANDRUM-14.

3. THE DISTRICT EDUCATIONAL OFFICER
PALAKKAD.

4. THE ASSISTANT EDUCATIONAL OFFICER
KOLLENGODE, PALAKKAD DISTRICT.

5. SMT. M.GEETHA
LOWER PRIMARY SCHOOL ASSISTANT (NOT APPROVED)
A.M.M.U.P.SCHOOL, VADAVANNUR
PALAKKAD-678 504.

BY GOVT. PLEADERE SHRI. A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C).No. 31810 OF 2007 J

Dated this the 26th October, 2007.

JUDGMENT

The petitioner is one of the legal heirs of the former owner and Manager of A.M.M.U.P School. Vadavannur. Originally the petitioner's mother nominated his sister as the Manager, which was not approved. Later, the mother nominated the petitioner as the Manager. It also is yet to be approved. While the sister was the Manager, she appointed the fifth respondent as LPSA in the School from 5.6.2006. According to the petitioner, the fifth respondent does not possess the qualifications prescribed for LPSA's. However, the fifth respondent moved the second respondent and obtained an order of approval on the ground that she had earlier served the School as UPSA in 1997 for about five months in two spells and, therefore, she is entitled to Rule 51A claim. Petitioner submits that this decision is patently wrong in view of the fact that Rule 51A was subsequently amended in 2005 making one year's continuous service is made compulsory for becoming entitled to claim under Rule 51A. The petitioner therefore, filed a revision petition, Ext.P3 before the Government. The petitioner has filed the same on 11.10.2007 only.

However, petitioner apprehends that unless urgent orders are passed it is likely that the fifth respondent would exert pressure on the fourth respondent to get approval on the strength of the order of the Director.

2. I have heard the Govt. Pleader also.

3. In the nature of the order I propose to pass, I do not think that it is necessary to issue notice to the fifth respondent at this juncture.

4. In the facts and circumstances of the case, I direct the first respondent to consider Ext.P3 as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of the judgment after affording an opportunity to the petitioner as well as the fifth respondent. Approval of appointment the fifth respondent, if any, would be subject to the orders in final orders in the revision petition.

Writ petition is disposed of accordingly.

S. SIRI JAGAN
Judge

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